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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/633,911	08/04/2003	Christopher W. Brumme	03797.00626	7569
28319 7590 01/29/2007 BANNER & WITCOFF LTD., ATTORNEYS FOR CLIENT NOS. 003797 & 013797 1001 G STREET, N.W. SUITE 1100 WASHINGTON, DC 20001-4597			EXAMINER CHAVIS, JOHN Q	
			ART UNIT 2193	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE			MAIL DATE	DELIVERY MODE
3 MONTHS			01/29/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

## Office Action Summary

Application No.

10/633,911

Applicant(s)

BRUMME ET AL.

Examiner

John Chavis

Art Unit

2193

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 20 November 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 8/4/03 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                       | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>11/10/06</u> .  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### *Information Disclosure Statement*

1. The information disclosure statement filed 8/4/03 has been considered.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claims 1-17 are rejected under 35 U.S.C. 102(e) as being anticipated by Kasichainula et al. (6,941,561). The previous action is hereby repeated with a response to the applicant's remarks in **bold** lettering.

We claim:

1. A computer-implemented method for an object-oriented environment comprising: wrapping a reference to a second object within a second context with a proxy wrapper,

Kasichainula

See the title and the abstract.

**The applicant claims that Kasichainula does not teach or suggest the feature of wrapping a reference to a second object; however, the wrapping feature is considered to merely make the reference look like something other than what it is to enable indirect referencing. This definition is based on the applicant's description of the term in his specification, see page in the abstract and in the summary of the invention in which the applicant specifies that no direct reference is held in the first object to the second object and that wrapping enables an object to reference another object in a direct context but not in a direct manner. Kasichainula's abstract specifies the proxy enables an object oriented program to run as distributed programs "without any explicit networking code (i.e. indirectly), as if they were local." He further indicates in col. 1 lines 37-40 that a program is built as if the entire system is to reside on a single machine and that the two proxies (which function as the applicant's proxy) cooperate to hide the fact the the objects actually reside on different machines from the programmer, thereby sparing the programmer any need to be aware of the distributed nature of the system when writing his code (again accessing indirectly, col. 1 lines 49-53 and col. 2 lines 63-67. Also, see**

**col. 3 line 66-col. 4 line 23 and col. 5 lines 5-11). Therefore, the feature is considered taught by Kasichainula and although Kasichainula does not mention the term wrapping, the feature is considered inherently provided since code is not changed to enable access to remote objects and the programmer is unaware of the change that occurs to enable access to objects as if they were local (i.e. indirectly). Therefore, each feature of the applicant's claim is provided via the reference as previously indicated.**

the second context defining at least a second set of arbitrary invariants on a second set of arbitrary objects including the second object;

See col. 1 lines 40-53.

calling of the second object within the second context by a first object within a first context via the reference as wrapped in the proxy wrapper,

See col. 2 line 63-col. 3 line 8 and  
See col. 8 lines 26-31.

the first context defining at least a first set of arbitrary invariants on a first set of arbitrary objects including the first object;

See col. 8 lines 26-31.

and, returning of the second object within the second context to the first object within the first context via the reference as wrapped in the proxy wrapper.

See col. 8 lines 31-43.

2. The method of claim 1, further comprising: wrapping a reference to the first object within the first context with a proxy wrapper; calling of the first object by the second object via the reference as wrapped in the proxy wrapper; and, returning of the first object to the second object via the reference as wrapped in

See the rejection of claim 1.

the proxy wrapper.

3. The method of claim 1, further comprising: calling of a third object that is agile by the first object via an unwrapped direct reference, such that the first context of the first object becomes a context for the third object for calling of the third object by the first object, such that the third object executes in the first context of the first object, and such that the agile object is agile in that the agile object has no permanent context; and, responding by the third object to the first object via the unwrapped direct reference.

See col. 3 lines 27-44 and note that objects "may be machine specific", which implies that they do not have to be and therefore wrapping would not be required.

4. The method of claim 3, further comprising: calling of the first object by the third object via an unwrapped direct reference; and, responding by the first object to the third object via the unwrapped direct reference.

" " " "

5. The method of claim 1, further comprising: calling of a third object within the first context by the first object via an unwrapped direct reference; and, responding by the third object to the first object via the unwrapped direct reference.

" " " "

In reference to claims 6-11, and 13-17, see the rejection of claims 1-5 above,

Claim 12 is rejected as claim 1. **The applicant also indicate that Kasichainula does not teach an agile object; however, the proxy objects are considered to provide the feature; since they are not fixed (generated dynamically via the abstract) to enable access as if they were local.**

4. Claims 1-17 are rejected under 35 U.S.C. 102(e) as being anticipated by Montgomery (newly cited, NPL reference entitled Sunsoft's Object Lesson).

**Claims**

1. A computer-implemented method for an object-oriented environment comprising: wrapping a reference to a second object within a second context with a proxy wrapper,

the second context defining at least a second set of arbitrary invariants on a second set of arbitrary objects including the second object;

calling of the second object within the second context by a first object within a first context via the reference as wrapped in the proxy wrapper,

the first context defining at least a first set of arbitrary invariants on a first set of arbitrary objects including the first object;

and, returning of the second object within the second context to the first object within the first context via the reference as wrapped in the proxy wrapper.

2. The method of claim 1, further comprising: wrapping a reference to the first object within the first context with a proxy wrapper; calling of the first object by the second object via the reference as wrapped in the proxy wrapper; and, returning of the first object to the second object via the reference as wrapped in

**Montgomery**

See the title and the stubs (proxy) in the open door policy section that begins on page 117. Note in the location indicated that when a client calls a server based object, it passes its request through a stub (indirectly wrapped reference).

See also in the specified location that contexts are different since it is left to the server to figure out what's going on.

See the first paragraph of the Open Door Policy on page 117, which indicates that object A may ask object B to something (via calling), see also the second paragraph.

See the fourth paragraph of the section specified above, which indicates that each object contains a list of subcontracts (invariants).

See the last paragraph in the specified section.

See the rejection of claim 1.

the proxy wrapper.

3. The method of claim 1, further comprising: calling of a third object that is agile by the first object via an unwrapped direct reference, such that the first context of the first object becomes a context for the third object for calling of the third object by the first object, such that the third object executes in the first context of the first object, and such that the agile object is agile in that the agile object has no permanent context; and, responding by the third object to the first object via the unwrapped direct reference.

See the first paragraph of page 119 under the section entitled "Memory's the first to go". Note also the marshalling (wrapping) and unmarshalling (unwrapping) in the 5<sup>th</sup> paragraph under Open Door Policy on page 117.

4. The method of claim 3, further comprising: calling of the first object by the third object via an unwrapped direct reference; and, responding by the first object to the third object via the unwrapped direct reference.

" " " "

5. The method of claim 1, further comprising: calling of a third object within the first context by the first object via an unwrapped direct reference; and, responding by the third object to the first object via the unwrapped direct reference.

" " " "

In reference to claims 6-11, and 13-17, see the rejection of claims 1-5 above,

Claim 12 is rejected as claim 3.

### **Conclusion**

5. Applicant's arguments with respect to claims 1-17, in reference to the new cited rejection in view of Montgomery have been considered but are moot in view of the new ground(s) of rejection. The newly presented rejection is based on prior art submitted by



the applicant; therefore, this rejection can be made final. The previous rejection in view of Kasichainula is also still considered pertinent to the applicant's invention and therefore that rejection is also maintained.

6. Applicant's submission of an information disclosure statement under 37 CFR 1.97(c) with the fee set forth in 37 CFR 1.17(p) on 11/10/06 prompted the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 609.04(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Chavis whose telephone number is (571) 272-3720. The examiner can normally be reached on M-F, 9:00am-5:30pm, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai An can be reached on (571) 272-3756. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JC

A handwritten signature in black ink, appearing to read 'John Chavis', with a stylized flourish at the end.

John Chavis  
Primary Examiner AU-2193